

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THRASHER, INC.,

Plaintiff,

vs.

BAKER TILLY US, LLP, successor in
interest to Vanilla, Inc.;

Defendant.

8:24CV182

SECOND AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the Unopposed Motion to Amend the Progression Deadlines ([Filing No. 38](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Unopposed Motion to Amend the Progression Deadlines ([Filing No. 38](#)) is granted, and the case progression order is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **August 8, 2025**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **September 19, 2025**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 2) Experts:
 - a. The deadlines for identifying expert witnessed and completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff: **September 26, 2025**

For the defendant: **October 27, 2025**

Plaintiff's rebuttal: **December 1, 2025**

- b. The deadline for defendant to depose plaintiff's experts is **October 16, 2025**.
 - c. The deadline for plaintiff to depose defendant's experts is **November 17, 2025**.
 - d. Expert depositions are limited to no more than one (1) by the plaintiffs as a group and one (1) by the defendants as a group.

- e. The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **January 9, 2026**.
- 3) The deadline for all other depositions, including but not limited to depositions for oral testimony only under Rule 45, is **December 12, 2025**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is as follows:
 - No more than one (1) Rule 30(b)(6) deposition for each party.**
 - No more than four (4) fact witness depositions for each party.**
- 4) The planning conference set for July 16, 2025, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **December 17, 2025**, at **10:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is **February 20, 2026**.
- 6) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 7th day of April, 2025.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge